

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.7946/2005  
(From the judgement and order dated 07/04/2005 in SCA 5476/05  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

VADODARA DISTT. COOP.S.P. UNION LTD.

Petitioner

(s)

VERSUS

CHANDRAKANTBHAI THAKOREBHAI PATEL & ORS.

Respondent

(s)

(With prayer for interim relief)(With Appln(s). for exemption from filing  
c/c of the impugned Judgment and exemption from filing O.T. )

Date : 15/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)

Mr. Harish N Salve, Sr. Adv.

Mr. R F Nariman, Sr. Adv.

Mr. Huzefa Ahmadi, Adv.

Mr. Tushar Mehta, Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Nakul Dewan, Adv.

Mr. Vikash Singh, Adv.

For Respondent (s)

No.1

Mr. V A Mohta, Sr. Adv.

Mr. A P Mayee, Adv.

Mr. Sanjeev Kumar Choudhury, Adv.

Mr. H A Raichura, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Issue notice.

The learned counsel for respondent No. 1, present in the Court on caveat, takes notice.

Respondents Nos. 2 and 3 are proforma parties so far as the matter before us is concerned. Learned counsel for the petitioner states that respondent No. 4 is supporting the petitioner.

Leave granted.

The appeal is allowed in terms of the signed order.

The parties through their respective counsel are directed to appear in the High Court on 9th May, 2005.

(D.P. WALIA)

(RADHA R. BHATIA)

COURT MASTER

COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2639 OF 2005

[arising out of SLP(C) No. 7946 of 2005]

Vadodara District Co-operative Sugarcane

Producers' Union Ltd.

...Appellant

vs.

Chandrakantbhai Thakorebhai Patel & Ors.

..Respondents

O R D E R

Issue notice.

The learned counsel for respondent No. 1, present in the

Court on caveat, takes notice.

Respondents Nos. 2 and 3 are proforma parties so far as the

matter before us is concerned. Learned counsel for the petitioner

states that respondent No. 4 is supporting the petitioner.

Leave granted.

With the consent of the learned counsel for the parties and

in view of a short question arising for decision in this matter, the

appeal is heard finally.

The elections of the Managing Committee required to be held

as per Chapter XI-A of the Gujarat Co-operative Societies Act, 1961 were in progress. In a writ petition laying challenge to the legality of certain steps taken by respondents Nos. 2 and 3 for the purpose of holding the elections, the High Court interfered with the election process midway, allowed the writ petition and set aside the election programme & all steps taken in accordance therewith. The order of the High Court was passed on 7th April, 2005, while the elections were scheduled to be held on 17th April, 2005. The aggrieved respondent No. 3 in the High Court has filed this appeal by special leave.

Having heard the learned counsel for the parties, we are satisfied that the High Court ought not to have stayed the process of election midway. We feel that the writ petition should have been heard on merits but without staying the process of election and that would have met the ends of justice.

The appeal is allowed. The impugned judgment of the High

Court is set aside. The elections will be held as notified. If the authorities feel that a fresh date for polling is to be appointed, then they may do so. The elections so held shall be subject to the final decision by the High Court in the writ petition. The writ petition in the High Court shall stand restored on the file of the High Court for being heard and decided on its own merits uninfluenced by any observation made in the impugned judgment.

The parties through their respective counsel are directed to appear in the High Court on 9th May, 2005.

.....CJI

(R.C. LAHOTI)

.....J

(G.P. MATHUR)

New Delhi;

April 15, 2005.